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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,501	01/16/2004	Donald Edward Benson	SVL920030128US1/A9845	6340
46159 7590 07/11/2011 SUGHRUE MION PLLC USPTO CUSTOMER NO WITH IBM/SVL 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037				
EXAMINER				
STACE, BRENT S				
ART UNIT		PAPER NUMBER		
2161				
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07/11/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/758,501

Applicant(s)

BENSON ET AL.

Examiner

BRENT STACE

Art Unit

2161

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 June 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4 and 7-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/BRENT STACE/
Primary Examiner, Art Unit 2161

Continuation of 11. does NOT place the application in condition for allowance because:

Regarding how the Hsiao reference generally maps to the claims, Hsiao's file is the claimed object (binary object) and the claimed item is Hsiao's record/information in the file_version table (essentially metadata).

With respect to the applicant's argument with respect to exemplary Claim 1 (including claims 9,10, and 18-20) that the prior art(s) allegedly do not teach "identify a version of a file (alleged object), much less "identifying a version of the item based on a first time," where "the item comprises a library identifier to a managed resource which is external to the library", the examiner respectfully disagrees. Hsiao, col. 6, lines 50-66 was used to reject the limitation of "identifying a version of the item based on a first time." In the cited section, Hsiao teaches about the File_version Table 300 in Fig. 3. This table includes entries for various times (e.g. Last_Mod_Time, Update_Timestamp). These timestamps get updated upon file updates (e.g. last modification of file when linked or time the file is updated (according to Fig. 3)). The version of the item is the time on a timestamp. As such, Hsiao teaches "identifying a version of the item based on a first time." The same section is Hsiao was used to reject the limitation of "wherein the item comprises a library identifier to a managed resource which is external to a library." This section also teaches that the file_version table also includes entries for a fsid, inode, and cellid. The cellid is used to "identify the particular file system cell in a distributed file system." A distributed file system means that multiple nodes contain files. When a file is on a node external to the claimed library, this limitation is met.

The same area in Hsiao (Hsiao, col. 6, lines 50-66) was used in rejecting the limitation of "identifying a version of the object based on a second time when the request affects the object, wherein identifying the version of the object comprises retrieving a timestamp and an identifier for the object." In the cited section, Hsiao teaches about the File_version Table 300 in Fig. 3. This table includes an entry for a version number of a file (object) that "is used to track different file version[s]." Thus, each file has a version. Along with this version information in the same entry are various times (e.g. Last_Mod_Time, Update_Timestamp) that along with the version identify the version as a specific Last_Mod_Time or Update_Timestamp. As such, each file (object) has a version based on some timestamp. The claimed "the request" was met by the first limitation containing the first citing of "a request [that affects an item]" in Hsiao, col. 8, lines 27-33. In this section, Hsiao teaches that the request is an update file request that would update the file_version table. Thus, the table of entries/items is affected when the file/object is updated. The object comprises a timestamp (for example a last modification time or update time) and an identifier for the object being the fsid, inode or cellid all listed in the cited Hsiao, col. 6, lines 50-66. Since the timestamps and IDs are in the file_version table and updated accordingly, this information was retrieved.

With respect to the applicant's argument with respect to exemplary Claim 1 (including claims 9,10, and 18-20) that the prior art(s) allegedly do not teach "rolling back the request" and "the rolling back the request includes removing an entry for the request from a library server transaction table," the examiner respectfully disagrees. Hsiao, col. 9, lines 45-51 with Hsiao, col. 10, lines 6-24 was used to show that Hsiao teaches "rolling back the request." In the cited sections Hsiao teaches that upon a system failure or crash, "all in-doubt transactions at the DLFM will either be committed or aborted." Abortion of a transaction is a form of rolling back a transaction (which in Hsiao is a file update request). The File_Verion table can be viewed as a library server transaction table since the file version table not only "includes file version information" but it "also [includes] information on pending updates" (Hsiao, cols. 6-7, lines 66-1). As shown in Hsiao, col. 10, lines 6-24, the rollback operation scans the file version table and for every entry for which `pending_flag=1`, it will restore the immediate previous version of the file from archive if necessary and it will reset the pending flag. It is understood that the flag is reset to "reset_pending." Hsiao, col. 9, lines 30-33 teaches that with items in the file_version table with the "reset_pending" flag/request, the "DLFM daemon deletes the corresponding record for the file from the file_versions table." Thus, during rollback, an entry for the request is removed from a library server transaction table.

With respect to the applicant's argument with respect to exemplary Claim 1 (including claims 9,10, and 18-20) that the prior art(s) allegedly do not teach "when the request is found invalid," the examiner respectfully disagrees. Narang, paragraphs [0023] and [0075]-[0076] was used to reject this limitation. In the cited sections Narang teaches about a handle that is used for directly accessing or manipulating external objects (Narang, paragraph [0022]). Accessing or manipulating objects/files means a request for the object/file occurs. During the processing of this request the version number of the handle and the latest committed version of the object/file are compared. If they match, further comparison is done using the last modification timestamp. "If the last modification time stamp of the object does not match with the last modification time stamp of the latest committed version of the object," an error is generated. As such, the request is considered erroneous (invalid) and access/manipulation of the object/file should and does not occur.

Continuation of 13. Other: With Applicant's amendments to the specification, the Applicants have overcome the objections to the informalities in the specification.